

# **Minutes of the Agriculture, Natural and Cultural Resources Element Subcommittee**

Thursday, August 3, 2005

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Jim Siepmann, Chairperson, called the meeting to order at 9:10 a.m.

## **Subcommittee Members Present**

- Jim Siepmann – Comprehensive Development Plan Advisory Committee Representative
- Ellen Gennrich - Waukesha County Land Conservancy
- Tom Oberhaus - Town of Delafield Plan Commission, farmer
- Bob Bartholomew - Town of Vernon Plan Commission, farmer
- Barb Holtz - Town of Mukwonago Board, farmer
- Bob Miller – Farmer/Town of Oconomowoc
- Steve Schultz - Ruekert and Mielke
- Paul Sandgren - Wisconsin Department of Natural Resources
- Elaine Kraut - Town of Summit Park Board, Mineral Extraction Industry

## **Subcommittee Members Absent:**

- Bruce Kaniewski - Comprehensive Development Plan Advisory Committee Representative
- Don Reed – Southeastern Wisconsin Regional Planning Commission
- Beth Leonard - City of Delafield Park and Recreations Commission
- Rob Fox – UW/Extension Agricultural Agent
- Bill Kolstad - City of Brookfield Parks Department
- Jeff Herrmann - Comprehensive Development Plan Advisory Committee Representative

## **Staff Contacts:**

- Dale Shaver, Director - Waukesha County Department of Parks and Land Use
- George Morris, Environmental Health Manager, Waukesha County Dept. of Parks and Land Use
- Richard Mace, Planning and Zoning Manager - Waukesha County Department of Parks and Land Use
- Kathy Moore, Senior Planner - Waukesha County Department of Parks and Land Use
- Sandy Scherer, Senior Planner - Waukesha County Department of Parks and Land Use
- Jim Kavemeier, Parks System Manager, Waukesha County Department of Parks and Land Use
- Perry Lindquist, Land Conservation Manager
- Jerry Braatz - UW Extension Associate Professor of Community Development

## **Other Interested Parties**

- Pamela Meyer, Friends of the Mukwonago River
- Bob Schowalter, Town of Oconomowoc Resident
- Aaron Fahl, Ruekert & Mielke

Mr. Kavemeier presented an overview of the Retzer Nature Center to the Subcommittee.

## **Public Comment**

None.

## **Approval of the June 23, 2005, Minutes**

- *Mr. Sandgren moved, seconded by Mrs. Kraut and carried unanimously, for approval of the June 23, 2005, Minutes.*

**Discussion of Planning Standards for Agricultural, Natural and Cultural Resources Element**

Mr. Shaver indicated that progress has been made regarding mapping the standards used to identify the Prime Agricultural areas in the County. A handout was distributed by Mr. Lindquist showing the current criteria and the proposed criteria for Prime Agricultural Lands. He explained the current criteria for Prime Agricultural Lands includes the following:

- Lands must be an agricultural use
- The farm unit must be at least 35 acres in area
- At least 50% of the farm unit must be Class I or II soils
- Farm unit must be located within a block of farmland, at least five sq. miles in size and 75% of the block should be Class I or II soils or environmental Corridor.

Problems with the current definition, include that there was no clear definition for “farm unit” and it cannot be tracked in the GIS System and would require a parcel by parcel analysis of soils vs. a regional analysis other than by parcel, urban growth areas and limitations of Class III soils for other land uses due to wetness, unclear definition of agricultural use and environmental corridor and no protection of farmland in blocks smaller than 5 sq. miles.

The proposed criteria for “Prime Agricultural Lands”, 35 acre density, includes language that the land use is agricultural, unused/open (rural), primary/secondary environmental corridor or isolated natural areas (SEWRPC definitions) and within a 5 sq. mile contiguous area (including adjacent counties) that meets all of the following criteria:

- Is the area outside of any planned sewer service area boundary
- 75% is agricultural or open/unused (rural) land uses by SEWRPC definitions
- 50% is Class I or II soils by NRCS definitions
- 75% is land ownership parcels of 35 acres or more

The proposed criteria for “Secondary Agricultural Lands”, 10 acre density, is the same as the “Prime Agricultural criteria except:

- Reduce to two sq. miles contiguous area that meets the criteria
- Add Class III soils to criteria No. 3 (too wet, steep or droughty for prime ag)
- Require 75% of land ownership parcels to be 10 acres or more (versus 35 acres)

Mr. Lindquist pointed out the prime agricultural and secondary agricultural lands on the map. In addition, he pointed out the Class I, II and III soils, environmental corridors and sewer service areas on the map.

Mr. Shaver described several different areas in the County and their soils (larger areas of land which do not meet the definition of Prime Ag). Some of the areas are mapped on town zoning maps as agriculturally zoned areas. He asked how the Subcommittee would like to address the agricultural areas that are significantly large but not large enough to meet the criteria for Prime Ag lands?

Ms. Moore, Senior Planner explained, when the Town of Vernon Plan was done, the Town was not sold on the Ag. Preservation throughout the whole Town. The Town wanted to promote development, north of the river, as an infill and growth area. Two different zoning districts were set up, Residential Density District 5 (one unit per five acres) and AD-10 (one unit per ten acres). Lots as small as one acre in size, 150’ wide or duplexes could be created. The intent was not to allow any development on Class I and II soils if it was in

20-acre contiguous areas and it did not have to be in the same ownership. The concept was, that the houses could be condensed and the farm could still rent some acres on each parcel and have one farm field. The farmers expressed concerns that it was not worth hauling farm equipment from farm to farm when renting land less than 20-acres in size. Also, credit is given for 20% of the land which is zoned A-E and C-1 Conservancy. Mrs. Kraut asked if the Towns and landowners are aware of the new planning, which would be affected? Mr. Shaver replied, that the towns are certainly aware of their current plans and zoning, but any discussions regarding changing the planning standards for agricultural land are intended to be discussed in this planning process, then introduced for comment.

A member of the Subcommittee said the "Secondary Agricultural Lands category" would be more of a tool to force density to be where it should be and as density and sewer service areas grow, it will absorb into those areas. Mr. Bartholomew disagreed, and said that more land would be annexed or divided into 10-acre lots and that would not be a good usage of land. The agricultural land would not be preserved, but rather divided into large parcels. The question is, "Are we trying to preserve farmland/agricultural lands or slow development?"

A question was asked how sewer service area decisions are made? Mr. Mace explained that the community, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the DNR and the sewer district, which operates the plant, must have the capacity to take on more land. Another question was asked regarding if Land Use Plans were considered during the process? Mr. Mace replied that SEWRPC verifies that the sewer extension is consistent with the Development Plan. Mr. Shaver said, as a Subcommittee, one of the guiding principles in the region and County has continued to be that development should be encouraged on municipal services.

Mr. Shaver said the Subcommittee is being asked to focus on standards. As a department, Staff would meet with the Towns and explain using the standards consistently across the County and it will have an impact on some communities Land Use Plans. He asked if the Subcommittee would agree in changing the current criteria for Prime Agricultural land to the proposed criteria? A member of the Subcommittee asked (regarding the 35 acre vs. 10 acre density) if language could be added making it a 35-acre density but require a PUD type development with smaller lots and save more of the land as usable agricultural land? Mr. Shaver replied, "Yes", if the criteria is agreed to, you can write implementation recommendations which would guide the crafting of zoning codes. In addition, the Subcommittee should focus on validating good planning standards to refine the maps.

***After discussion, Mr. Sandgren moved, seconded by Mr. Oberhaus and carried, for approval of the Proposed Criteria for "Prime Agricultural Lands" (Mrs. Holtz opposed).***

The discussion moved on to the Proposed Criteria for Secondary Agricultural Lands. A Subcommittee member asked, who was in favor of the 10-acre density and from a planning standpoint, explain why it would be a good idea? Mr. Shaver said from the County's standpoint, the matter should be discussed due to public comment on managed growth and the preservation of open space. He also pointed out on the map, lands, which do not meet the five square mile criteria and contain Class III soils. A Subcommittee member clarified that the principal is to preserve productive agricultural land, however, this criteria is to manage growth and maintaining open space. Mr. Shaver replied that it depends on the scope of the view. If it is related to the soils in a county or region, the wet soils could be drained and be productive. A member of the Subcommittee asked if the anticipated outcome of the Secondary Agricultural Land criteria was to preserve or reduce agricultural lands because of the 10-acres? Mr. Shaver replied that it would create more open space but does not necessarily preserve agricultural lands. When property is sold, the Development Plan

and zoning will dictate the result. Mr. Bartholomew said that if the land is close to a municipality that is aggressively annexing, under current Town zoning it would stay at three to five acre densities, but if the 10-acre density was placed on the property the property owner could annex the land to the City and then the density could be  $\frac{1}{4}$  to  $\frac{1}{2}$  acre and the rate of annexation would increase. Mr. Shaver asked if the Subcommittee agreed to the Class III soils being included in the criteria? A member of the Subcommittee said that annexation seems to be a consequence of the preservation of agricultural lands and open space but felt that annexation was not a part of the Subcommittee's control. Another member commented that Class III soils are not buildable, to which Mr. Lindquist said they are mostly buildable except for the wetland areas. Mrs. Gennrich asked when Class III soils were taken out of the Prime Ag? Mr. Shaver replied, "1997". Due to time constraints it was decided that the discussion for the "Proposed Criteria for Secondary Agricultural Lands" be continued at the next Subcommittee meeting.

### **Discussion of Chapter 3**

Mr. Shaver pointed out the revisions for Chapter 3 and said updated natural resource data, maps, data tables regarding cultural and natural history pieces and an parkland component appendix would be added. It was decided that discussion on the revisions of Chapter 3 would continue at the next Subcommittee meeting.

### **Meeting Times and Dates**

Mr. Shaver suggested the next Subcommittee meeting be held on Wednesday, August 31, 2005, from 9:00 a.m. to 11:00 a.m. at Retzer Nature Center. Topics for the next meeting may include:

- Discussion of Chapter 3
- Discussion of the Proposed Criteria for Secondary Agricultural Lands

***Mr. Bartholomew moved, seconded by Mr. Sandgren and carried unanimously, to adjourn the meeting at 11:15 a.m.***